

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

and DEFENDANTS

DEFENDANT 'S SEPARATE
ANSWER AND DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT

The Defendant, , by and through counsel, files this his/her separate answer and defenses to the Plaintiffs Amended Complaint filed herein, as follows:

FIRST DEFENSE

The Plaintiffs Amended Complaint fails to state a cause or claim against this Defendant upon which relief can be granted.

SECOND DEFENSE
ANSWER

1. Admitted.

2. This Defendant admits that is a organized under the laws of the State of Mississippi and may be served with process upon its Administrator, , at , Mississippi, and that this Defendant is an adult resident citizen of County, Mississippi, who may be served with process at , Mississippi. The remaining allegations of this paragraph are not directed to this Defendant and therefore require no response from her. If later construed to adversely affect this Defendant such allegations are denied.

3. This Defendant admits that on or about , Plaintiff presented at the emergency room of complaining of pain and swelling in his/her and that an x-ray was taken which was interpreted by this Defendant. This Defendant denies the remaining allegations of paragraph 3 and specifically denies that he/she improperly read the x-ray or in any way violated the applicable standard of care.

4. The first sentence of paragraph 4 is not directed to this Defendant and therefore requires no response from him/her. If later construed to adversely affect this Defendant, then the allegations of the first sentence of paragraph 4 are denied. This Defendant denies the remaining allegations of paragraph 4.

5. This Defendant denies the allegations of paragraph 5.

6. This Defendant denies the allegations of paragraph 6.

7. This Defendant denies the allegations of paragraph 7.
8. This Defendant denies the allegations of paragraph 8.
9. This Defendant denies the allegations of paragraph 9 including subparts A through D.

This Defendant denies the last unnumbered paragraph of Plaintiffs Complaint and denies that Plaintiff is entitled to recover any amount whatsoever from this Defendant.

THIRD DEFENSE

The Plaintiffs alleged injuries and damages, if any, were not caused or contributed to by any act or omission of this Defendant, but such damages or injuries, if any, were caused or contributed to by acts and omissions of others, including Plaintiff for which this Defendant cannot be held liable.

FOURTH DEFENSE

The Plaintiff has failed to mitigate his/her damages.

FIFTH DEFENSE

Alternatively, and only in the unlikely event that this Defendant is found liable, damages should be apportioned pursuant to Miss. Code Ann. Sec. 85-5-7.

AND NOW, having fully answered and responded to the Plaintiffs Amended Complaint, the Defendant , respectfully requests the Court to dismiss with prejudice the Plaintiffs Amended Complaint and all Plaintiffs claims against this Defendant assessing all costs and expenses against the Plaintiff.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

BY: _____

OF COUNSEL: _____

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day caused to be mailed via United States mail postage prepaid the above and foregoing instrument to the following:

ATTORNEY FOR PLAINTIFF,

ATTORNEY FOR DEFENDANT,

This the _____ day of _____, _____.